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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOARDS OF TRUSTEES OF THE SHEET
METAL WORKERS LOCAL 104 HEALTH
CARE TRUST, et al.,

Plaintiffs,

v.

AEOLIAN MECHANICAL, INC., a dissolved
California corporation.

Defendant.

Case No.: C14-5434 WHO

**PLAINTIFFS' REQUEST TO CONTINUE
CASE MANAGEMENT CONFERENCE;
ORDER THEREON**

Date: March 10, 2015
Time: 2:00 p.m.
Location: 450 Golden Gate Ave.
San Francisco
Courtroom: 2, 17th Floor
Judge: Honorable William H. Orrick

Plaintiffs respectfully request that the Case Management Conference, currently on calendar for March 10, 2015, be continued for approximately ninety (90) days. Good cause exists for the granting of the continuance, as follows:

1. As the Court's records will reflect, this action was filed on December 12, 2014. Defendant was served, via substitute service, on December 27, 2014. Plaintiffs filed a Proof of Service of Summons with the Court on January 12, 2015 (Dkt. #11). Defendant failed to plead or otherwise respond to the lawsuit, and the Clerk entered default as to Defendant on February 18, 2015 (Dkt. #13). Defendant was duly served with a copy of the Clerk's Notice of Default Entry, and a Proof of Service of same was filed with the Court on February 23, 2015 (Dkt. #14).

2. The parties have been in contact to attempt to resolve this matter without the need for further litigation. On or about January 20, 2015, Defendant scheduled the requested audit of its payroll records, which is the subject of this lawsuit, and the audit was conducted on February 9, 2015. The audit report is now being prepared and finalized by the Plaintiffs' auditors.

3. Upon completion, the testing report will be issued to Defendant, who will then have the opportunity to review and comment on the audit findings. After the review period, a final testing report will be issued, and a bill will be sent to Defendant if any amounts are owed to Plaintiffs pursuant to the audit.

4. There are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's time and resources, Plaintiffs respectfully request that the upcoming Case Management Conference be continued for approximately ninety (90) days, to allow sufficient time for Plaintiffs' auditors to complete the audit report, Defendant to review and comment on the audit findings, and Defendant to pay any amounts owed to Plaintiffs, if any.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Dated: February 27, 2015

SALTZMAN & JOHNSON
LAW CORPORATION

By: _____ /S/

Adrian L. Canzoneri
Attorneys for Plaintiffs

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to June 9, 2015 at 2:00 p.m., and all previously set deadlines and dates related to this case are continued accordingly.

Date: March 2, 2015


UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **February 27, 2015**, I served the following document(s):

PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;

[PROPOSED] ORDER THEREON

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and First Class mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and mailed as follows:

Aeolian Mechanical, Inc.
c/o James A. McGovern
1515 Cabrillo Street
San Francisco, CA 94118

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **February 27, 2015**, at San Francisco, California.

/S/

Elise Cotterill
Paralegal